FAX

TO	**Department of Justice**
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SUBJECT	Proposed Microsoft settlement
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PAGES	1 (including this header)

I would like to express my opposition to the proposed antitrust settlement with Microsoft.

I work in the information technology area, and can see clearly the ways that Microsoft takes unfair advantage of its monopoly position. This behavior continues even as the proposed settlement is being considered.

The narrow terms of the proposed settlement *may* hinder some of Microsoft's practices. (Personally, I find even that doubtful, but for the sake of argument...) However, the outlines of equally effective substitute strategies can already be seen.

For instance, using its operating system monopoly as leverage, Microsoft used bundling of software to destroy potential competitors. That *might* be hindered by the proposed settlement. (Though even that is doubtful given the ease with which cosmetic changes in version numbering or file naming might be used to circumvent restrictions.) Even so, Microsoft is already employing a slightly different strategy - moving to systematically subvert industry standards that might allow competitors a niche in which to develop. For instance, Microsoft has "extended" (euphemism for modified/subverted) the Javascript language used for many web sites. It has then bundled tools for developing web sites that incorporate these extensions in such ways that only the Microsoft Internet Explorer browser can properly access them. This sort of Trojan Horse strategy is not addressed at all by the proposed settlement.

In my opinion there are very few ways to address the undesirable effects of the Microsoft monopoly. One would be to require that Microsoft publish **ALL** operating system APIs, down to the least significant function call. Such publication would have to be done sufficiently far in advance that **any** developers could incorporate them. They would also have to be fully public, not simply available to a select group of major developers. Very harsh penalties would have to be in place for violations. Even so, this approach would remain open to manipulation.

The other approach is the one originally decided upon by the courts. Microsoft should be broken into two (or more) completely separate companies.

Whatever the ideal solution, it is clear that the proposed judgement is almost completely toothless. It appears to be a political fig leaf to allow the Justice department to walk away from its legal responsibilities. Hopefully the courts will have more integrity.

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